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10/018,254	03/26/2002	Pontus Soderstrom	31577-176922	6058

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EXAMINER

CULBRETH, ERIC D

ART UNIT PAPER NUMBER

3616

DATE MAILED: 08/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/018,254

Applicant(s)

SODERSTROM

Examiner

Eric D Culbreth

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Oath/Declaration*

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

Note specifically the inventor's citizenship has been changed but not initialed.

2. It is also noted that the declaration was signed 1/8/01 – over a year before the filing date in the United States (3/26/02) (i.e., a new up-to-date declaration is suggested at any rate).

### *Drawings*

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the gas generator in the housing (claim 12) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Specification*

4. The disclosure is objected to because of the following informalities:

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- a. On page 3, line 3 and page 8, line 13 “utilized” is misspelled.
- b. On page 4, line 8, “minimize” is misspelled.
- c. On page 5, line 6 “mans” should be “means”.
- d. On page 7, line 13, “12” should be “11”.
- e. Throughout the claims “characterized” is misspelled.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claims 1 and 3, line 2 there is no clear antecedent basis for “the feet of an occupant” (i.e., an amputee).
- b. In claim 1, line 6 and claim 3, line 6, there is no antecedent basis for “its initial position”.
- c. In claim 1, line 7 there is no antecedent basis for “the base”.
- d. In claim 1, line 5 and claim 3, line 5 the comma after “lifted” should be deleted.
- e. In claim 4, it is not clear what “concertina-style” encompasses.
- f. In claim 14, the recitation of a substantially rigid base is a double inclusion of the base already recited in claim 1.

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g. Claim 15 is inaccurate because the specification did not disclose the peripheral region of the base as deformable.

h. Claim 1 is an incomplete sentence.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 5, and 10 as best understood are rejected under 35 U.S.C. 102(e) as being anticipated by Kowalski.

Kowalski discloses an air bag unit in a floor pan having a sealed damp-proof housing (shrinkwrapped at column 2, lines 17-18) containing air bag 24. Upper cover 26 is rigid (column 2, lines 14-16) and the cover is separated from the housing upon inflation (Figure 3) (claim 1).

As foam padding 22 retains the unit in place (column 2, lines 1-11), the outer surface of the unit functions as means on the housing to mount the unit in position (claim 5).

Gas supply tube 32 connects to a gas generator 30 (claim 10).

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2 and 14-15 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski.

At column 2, lines 15-18, Kowalski discloses that the top and bottom plate may be sealed by shrinkwrapping or any other known seal. Sonic welding is a known seal (if it is not, then applicant's disclosure fails to enable the skilled artisan to make the invention as required by 35 USC 112 first paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include sonic welding of the parts in view of Kowalski's teaching of using any known weld (claim 2).

Regarding claims 14-15, Kowalski's base 28 would appear to be "substantially" rigid (its shape does not change in Figure 3 when the top plate separates from it, and its lip portion is secured to the cover. As there is no support in the specification for the peripheral portion being deformable, the reference meets the positive limitations of the claim.

11. Claim 3 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of German Published Application 19727598 (of record, cited by applicant).

Kowalski does not disclose the base secured to the cover by a deformable sidewall. German '598 discloses a deformable (i.e., collapsible and extensible) member 19 between cover

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2 and base 11 in Figure 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include a deformable side member or wall securing the base and cover as taught by German '598 in order to better control movement of the cover during deployment.

12. Claim 4 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of German '598 as applied to claim 3 above, and further in view of UK Patent 2,272,670.

Kowalski and German '598 do not teach a concertina-style wall as best understood, and German '598 only shows wall or member 19 schematically. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski and German '598 to include a concertina-style side wall as taught by UK '670's wall 40 in Figure 4 in order to fold the wall using a known style or manner.

13. Claims 6-9 and 11 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of Haland et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include conical triangular cells in the bag and the bag made of two layers as taught by Haland et al in order to better control gas distribution in the bag (claims 6-9). Regarding claim 11, Haland et al in the combination teaches an impact sensor that sets off a gas generator.

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14. Claims 12-13 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Kowalski in view of Boydston et al.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kowalski to include electrical means supplying a signal to an inflator inside the housing as taught by Boydston et al (pressure sensors 28 connected to a battery, inflator 24 inside housing 16) in order to make the system more compact.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric D Culbreth whose telephone number is 703/308-0360. The examiner can normally be reached on Monday-Thursday, 9:30-7:00 alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Eric D Culbreth  
Primary Examiner  
Art Unit 3616



8/20/03

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